

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO: 9833 of 2004

Between:

A.Devaiah, s/o Sri Rajaiah,
R/o A.Laxmirajam, Dharur Post, Jagtial,
Karimnagar District.

... PETITIONER

AND

- 1 The District Co-coordinator, Hospital Services, Karimnagar.
- 2 The Commissioner, Andhra Pradesh, Vaidya Vidhana Parishad, Hyderabad.
- 3 The Medical Superintendent, Area Hospital, Jagtial, Karimnagar District.

...RESPONDENT (S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of certiorari and to call for the records relating to and in connection with the orders passed by the A.P.A.T., Hyderabad their order in V.M.A.No.738 of 2003 in O.A.No.3224 of 2003 dt.27-4-2004 and to quash the same as illegal and void and consequentially to allow O.A.No.3224 of 2003 quashing the orders issued in R.C.No.829/E1/2002-03 dt.13-5-2003 by the respondents

For the Petitioner: MR.N.MUKUNDA REDDY, Advocate

For the Respondent No I.: GP FOR SERVICES I

Counsel for R-2 : Mr. K.L.N. Swamy

The Court Made the Following Order:

ORDER:

This Writ Petition is filed challenging the Order passed by the A.P Administrative Tribunal in V.M.A.No.738 of 2003 in O.A.No.3224 of 2003 dated 27-04-2004 vacating the interim direction granted on 28-05-2003 and posting the matter for final hearing in July, 2004.

2. The petitioner was working as a Theatre Assistant having been promoted in the year 2003. However, he was said to be reverted on the ground that some senior has been ignored and finally the reversion orders were passed on 13-05-2003. The said orders were challenged by the petitioner in the O.A. before the Tribunal. The Tribunal, while admitting the same, granted interim stay on 28-05-2003, but they were vacated on 27-04-2004, against which the present Writ Petition is filed.

3. Learned counsel petitioner submits that the Tribunal has not assigned any reasons for vacating the stay, and in fact the petitioner is entitled for the post of Theatre Assistant. He further submits that when the matter was posted for July 2004, the Tribunal ought to have continued the Order of stay till the disposal of the O.A.

4. Heard the learned counsel for respective parties.

5. Inasmuch as the stay was continued for a period of one year, it would have been appropriate for the Tribunal to have continued the stay and dispose of the O.A. itself. Under those circumstances, we are of the considered view that the O.A. has to be disposed of as directed by Tribunal in July, 2004.

6. In the result, the Writ Petition is disposed of directing the Tribunal to dispose of O.A.No.3224 of 2003 in July, 2004. Pending disposal of the said O.A., status quo as obtaining today

shall be maintained. No costs.

G. BIKSHAPATHY, J

June 17, 2004

B. SESHASAYANA REDDY, J

MRR

Copy to:

1. The District Co-ordinator, Hospital Service, Karimnagar.
2. The Commissioner, Andhra Pradesh, Vaidya Vidhana Parishad.
3. The Medical Superintendent, Area Hospital, Jagtial, Karimnagar District.